

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN THE MATTER OF THE CRIMINAL
COMPLAINT OF:**

**CIRIACO GARCIA-YERENA
aka GARCIA CIUIA
aka JOSSIE E ORTIZ
aka JOSSIE ORTIZ-MILAN
aka JOSSIE ESTEBAN ORTIZ**

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) **Case No. 2:24-mj-360**
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**AFFIDAVIT OF DEPORTATION OFFICER BRYAN C. HAWKINS
IN SUPPORT OF CRIMINAL COMPLAINT**

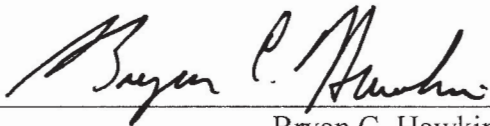
I, United States (U.S.) Immigration and Customs Enforcement (ICE) Deportation Officer, Bryan C. Hawkins, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than twelve years of experience as a Deportation Officer with the U.S. Immigration and Customs Enforcement (ICE). I am assigned to the Office of Enforcement and Removal Operations located in Westerville, Ohio. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Basic Immigration Officer Course at the Federal Law Enforcement Training Center (FLETC) located in Glynco, Georgia.
2. While investigating CIRIACO GARCIA-YERENA (GARCIA-YERENA), I have learned the following facts about him.
3. According to documents in his immigration A-file, including a handwritten questionnaire, GARCIA-YERENA is a citizen of Mexico and not a citizen of the United States.
4. According to court records, on or about September 19, 2013, in case number 2:12-cr-200, a judge in the U.S. District Court for the Southern District of Ohio found GARCIA-YERENA guilty of violating 21 U.S.C. § 846 – Conspiracy to Possess with Intent to Distribute Over 100 Grams of Heroin. For this offense, a judge sentenced GARCIA-YERENA to serve twenty-four months in the custody of the U.S. Bureau of Prisons. According to the Final Presentence Investigation Report in that case, GARCIA-YERENA is a citizen of Mexico present illegally in the United States.
5. According to the A-file, on or about April 16, 2014, ICE encountered GARCIA-YERENA at the Northeast Ohio Correctional Center (NEOCC) in Youngstown,

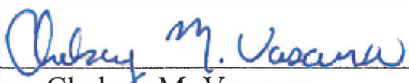
Ohio. ICE determined that GARCIA-YERENA is a citizen of Mexico who is present in the United States without having been admitted or paroled and who has been convicted of an offense that is defined as an “aggravated felony” in 8 U.S.C. § 1101(a)(43)(B) & (U).

6. According to the A-file, on or about May 12, 2014, GARCIA-YERENA was ordered removed to Mexico by the Authorized Official in Cleveland, Ohio pursuant to Section 238(b) of the Immigration and Nationality Act. ICE served GARCIA-YERENA Form I-851A, Final Administrative Removal Order, in person at the NEOCC.
7. According to the A-file, on or about July 8, 2014, GARCIA-YERENA was physically removed, pursuant to the Authorized Official’s removal order, from the United States to Mexico via Laredo, Texas. On or about that date, GARCIA-YERENA surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation), which he signed. GARCIA-YERENA’s departure was witnessed and Form I-205 was signed by an immigration officer.
8. According to a police report, on or about May 21, 2024, the Whitehall Police Department arrested GARCIA-YERENA in Whitehall, Ohio and charged him with Misdemeanor No Operator’s License and Minor Misdemeanor Expired Registration. GARCIA-YERENA identified himself to the arresting officer by name and birth date. The Whitehall Police Department submitted GARCIA-YERENA’s fingerprints to the Law Enforcement Support Center (LESC) in Williston, Vermont. The LESC queried GARCIA-YERENA’s fingerprints in immigration databases and confirmed GARCIA-YERENA’s identity as well as his inadmissibility to the United States. The LESC then returned an electronic notification to ICE Columbus, Ohio notifying ICE Columbus that GARCIA-YERENA is residing in the United States without lawful status and that GARCIA-YERENA has not been granted permission from the Attorney General of the United States or the Secretary of the U.S. Department of Homeland Security to reenter the United States.

Your Affiant uses the above facts to establish probable cause for a violation of 8 U.S.C. §§ 1326(a) and (b)(2), an alien who: (1) subsequent to sustaining a conviction for commission of an aggravated felony offense has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding; (2) thereafter entered, attempted to enter, or at any time was found in the United States; and (3) did not have consent from the Attorney General or the Secretary for the U.S. Department of Homeland Security to reapply for admission to the United States prior to either his re-embarkation at a place outside the United States or his application for admission from a foreign contiguous territory.


Bryan C. Hawkins
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 22nd day of July 2024.


Hon. Chelsey M. Vascara
United States Magistrate Judge